

2SSB 6117 - S AMD 199

By Senator Fraser

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) Since the 1992 enactment of the
4 reclaimed water act, the value of reclaimed water as a new source of
5 supply has received increasing recognition across the state and across
6 the nation. New information on the matters in this section has
7 increased awareness of the need to better manage, protect, and conserve
8 water resources and to use reclaimed water in that process. The
9 legislature now finds the following:

10 (a) Global warming and climate change. Global warming has reduced
11 the volume of glaciers in the North Cascade mountains to between
12 eighteen to thirty-two percent since 1983, and up to seventy-five
13 percent of the glaciers are at risk of disappearing under projected
14 temperatures for this century. Mountain snow pack has declined at
15 virtually every measurement location in the Pacific Northwest, reducing
16 the proportion of annual river flow to Puget Sound during summer months
17 by eighteen percent since 1948. Global warming has also shifted peak
18 stream flows earlier in the year in watersheds covering much of
19 Washington state, including the Columbia river basin, jeopardizing the
20 state's salmon fisheries. The state's recent report on the economic
21 impacts of climate change indicate that water resources will be one of
22 the areas most affected, and that many utilities may need to invest
23 major resources in new supply and conservation measures. Developing
24 and implementing adaptation strategies, such as water conservation that
25 includes the use of reclaimed water, can extend existing water supply
26 systems to help address the global warming impacts. In particular,
27 because reclaimed water uses existing sources of supply and fairly
28 constant base flows of wastewater, it has year-round dependability,
29 without regard to any given year's climate variability. This is

1 particularly important during summer months, when outdoor demands peak
2 and stream flows are critical for fish.

3 (b) Puget Sound. The governor has initiated a Puget Sound
4 partnership, with a request for an initial strategy to address high
5 priority problems. In December, the partnership delivered a strategy
6 that includes expanded use of reclaimed water both in order to improve
7 the Puget Sound's water quality by reducing wastewater discharges and
8 by replacing current sources of supply for nonpotable uses that
9 detrimentally affect stream flows and habitat.

10 (c) Salmon recovery. The federal fisheries services recently
11 approved a salmon recovery plan for the Puget Sound, which was
12 developed across multiple watersheds by numerous local governments,
13 tribal governments, and other parties to achieve sustainable
14 populations of salmon and other species. That plan includes an
15 adaptive management component where continued efforts will be made to
16 address issues, including problems with instream flows, identified as
17 a limiting factor in virtually all the watersheds, through strategies
18 that will be developed by regional and watershed implementation groups.
19 A potentially significant strategy may be the substitution of reclaimed
20 water for nonpotable uses where it will benefit streams and habitat.

21 (d) Water quality. Increasingly stringent federal standards for
22 water quality are forcing a number of communities to develop strategies
23 for wastewater treatment that, in addition to providing higher
24 treatment levels, will reduce the quantity of discharges. For many of
25 those communities, facilities to produce reclaimed water will be a
26 necessary approach to achieve both water quality and water supply
27 objectives.

28 (e) Watershed plans. Under the watershed planning act of 1997,
29 approximately two-thirds of the watersheds in the state have used a
30 bottoms-up approach to developing collaborative plans for meeting
31 future water supply needs. Many of those plans include the use of
32 reclaimed water for meeting those needs.

33 (f) Columbia river water management. Pursuant to legislation and
34 funding provided in 2006, federal, state, and local governments and
35 agencies, along with tribal governments, user groups, environmental
36 organizations, and others are developing a comprehensive strategy for
37 the mainstem Columbia that will ensure supplies for future growth while
38 protecting stream flows and fish habitat. The strategy will include

1 multiple tools that may include the potential development of new
2 storage, conservation measures, and water use efficiency. One pathway
3 toward conservation and efficiency is likely to be identification and
4 implementation of reclaimed water opportunities.

5 (g) Development schedule. The time frame required to plan, design,
6 construct, and begin use of reclaimed water can be extensive due to the
7 public information and acceptance efforts required in addition to
8 planning, design, and environmental assessment required for
9 infrastructure projects. This extended time frame necessitates the
10 initiation of reclaimed water projects as soon as possible.

11 (2) It is therefore the intent of the legislature to:

12 (a) Effectuate and reinvigorate the original intent behind the
13 reclaimed water act to expand the use of reclaimed water for nonpotable
14 uses throughout the state;

15 (b) Restate and emphasize the use of reclaimed water as a matter of
16 water resource management policy;

17 (c) Address current barriers to the use of reclaimed water, where
18 changes in state law will resolve such issues;

19 (d) Develop information from the state agencies responsible for
20 promoting the use of reclaimed water and address regulatory, financial,
21 planning, and other barriers to the expanded use of reclaimed water,
22 relying on state agency expertise and experience with reclaimed water;

23 (e) Facilitate achieving state, regional, and local objectives
24 through use of reclaimed water for water supply purposes in high
25 priority areas of the state, and in regional and local watershed and
26 water planning;

27 (f) Provide planning tools to local governments to incorporate
28 reclaimed water and related water conservation into land use plans,
29 consistent with water planning;

30 (g) Expand the scope of work of the advisory committee established
31 under chapter 279, Laws of 2006 to identify other reclaimed water
32 issues that should be addressed; and

33 (h) Provide initial funding, and evaluate options for providing
34 additional direct state funding, for reclaimed water projects.

35 **Sec. 2.** RCW 90.46.005 and 2001 c 69 s 1 are each amended to read
36 as follows:

37 The legislature finds that by encouraging the use of reclaimed

1 water while assuring the health and safety of all Washington citizens
2 and the protection of its environment, the state of Washington will
3 continue to use water in the best interests of present and future
4 generations.

5 To facilitate the immediate use of reclaimed water (~~(as soon as is~~
6 ~~practicable, the legislature encourages the cooperative efforts of the~~
7 ~~public and private sectors and the use of pilot projects)) for uses
8 approved by the departments of ecology and health, the state shall
9 expand both direct financial support and financial incentives for
10 capital investments in water reuse and reclaimed water to effectuate
11 the goals of this chapter. The legislature further directs the
12 department of health and the department of ecology to coordinate
13 efforts towards developing an efficient and streamlined process for
14 creating and implementing processes for the use of reclaimed water.~~

15 It is hereby declared that the people of the state of Washington
16 have a primary interest in the development of facilities to provide
17 reclaimed water to replace potable water in nonpotable applications, to
18 supplement existing surface and ground water supplies, and to assist in
19 meeting the future water requirements of the state.

20 The legislature further finds and declares that the utilization of
21 reclaimed water by local communities for domestic, agricultural,
22 industrial, recreational, and fish and wildlife habitat creation and
23 enhancement purposes, including wetland enhancement, will contribute to
24 the peace, health, safety, and welfare of the people of the state of
25 Washington. To the extent reclaimed water is appropriate for
26 beneficial uses, it should be so used to preserve potable water for
27 drinking purposes, contribute to the restoration and protection of
28 instream flows that are crucial to preservation of the state's salmonid
29 fishery resources, contribute to the restoration of Puget Sound by
30 reducing wastewater discharge, provide a drought resistant source of
31 water supply for nonpotable needs, and be a source of supply integrated
32 into state, regional, and local strategies to respond to population
33 growth and global warming. Use of reclaimed water constitutes the
34 development of new basic water supplies needed for future generations
35 and local and regional water management planning should consider
36 coordination of infrastructure, development, storage, water reclamation
37 and reuse, and source exchange as strategies to meet water demands
38 associated with population growth and impacts of global warming.

1 The legislature further finds and declares that the use of
2 reclaimed water is not inconsistent with the policy of antidegradation
3 of state waters announced in other state statutes, including the water
4 pollution control act, chapter 90.48 RCW and the water resources act,
5 chapter 90.54 RCW.

6 The legislature finds that other states, including California,
7 Florida, and Arizona, have successfully used reclaimed water to
8 supplement existing water supplies without threatening existing
9 resources or public health.

10 It is the intent of the legislature that the department of ecology
11 and the department of health undertake the necessary steps to encourage
12 the development of water reclamation facilities so that reclaimed water
13 may be made available to help meet the growing water requirements of
14 the state.

15 The legislature further finds and declares that reclaimed water
16 facilities are water pollution control facilities as defined in chapter
17 70.146 RCW and are eligible for financial assistance as provided in
18 chapter 70.146 RCW. The legislature finds that funding demonstration
19 projects will ensure the future use of reclaimed water. The
20 demonstration projects in RCW 90.46.110 are varied in nature and will
21 provide the experience necessary to test different facets of the
22 standards and refine a variety of technologies so that water purveyors
23 can begin to use reclaimed water technology in a more cost-effective
24 manner. This is especially critical in smaller cities and communities
25 where the feasibility for such projects is great, but there are scarce
26 resources to develop the necessary facilities.

27 The legislature further finds that the agricultural processing
28 industry can play a critical and beneficial role in promoting the
29 efficient use of water by having the opportunity to develop and reuse
30 agricultural industrial process water from food processing.

31 **Sec. 3.** RCW 90.46.120 and 2003 1st sp.s. c 5 s 13 are each amended
32 to read as follows:

33 (1) The owner of a wastewater treatment facility that is reclaiming
34 water with a permit issued under this chapter has the exclusive right
35 to any reclaimed water generated by the wastewater treatment facility.
36 Use ~~((and))~~, distribution ~~((of the))~~, and the recovery from aquifer
37 storage of reclaimed water by the owner of the wastewater treatment

1 facility is exempt from the permit requirements of RCW 90.03.250 and
2 90.44.060. Revenues derived from the reclaimed water facility shall be
3 used only to offset the cost of operation of the wastewater utility
4 fund or other applicable source of system-wide funding.

5 (2) If the proposed use or uses of reclaimed water are intended to
6 augment or replace potable water supplies or create the potential for
7 the development of additional potable water supplies, such use or uses
8 shall be considered in the development of ~~((the))~~ any regional water
9 supply plan or plans addressing potable water supply service by
10 multiple water purveyors. Such water supply plans include plans
11 developed by multiple jurisdictions under the relevant provisions of
12 chapters 43.20, 70.116, 90.44, and 90.82 RCW, and the water supply
13 provisions under the utility element of chapter 36.70A RCW. The method
14 by which such plans are approved shall remain unchanged. The owner of
15 a wastewater treatment facility that proposes to reclaim water shall be
16 included as a participant in the development of such regional water
17 supply plan or plans.

18 (3) Where opportunities for the use of reclaimed water exist within
19 the period of time addressed by a water system plan, a water supply
20 plan, or a coordinated water system plan developed under chapters 43.20
21 ~~((or))~~, 70.116, 90.44, and 90.82 RCW, and the water supply provisions
22 under the utility element of chapter 36.70A RCW, these plans must be
23 developed and coordinated to ensure that opportunities for reclaimed
24 water are evaluated. The requirements of this subsection (3) do not
25 apply to water system plans developed under chapter 43.20 RCW for
26 utilities serving less than one thousand service connections.

27 **Sec. 4.** RCW 90.46.130 and 2002 c 329 s 5 are each amended to read
28 as follows:

29 (1)(a) Except as provided in subsection (2) of this section,
30 facilities that reclaim water under this chapter shall not impair any
31 existing water right downstream from any freshwater discharge points of
32 such facilities unless there is compensation or mitigation for such
33 impairment ~~((is agreed to by the holder of the affected water right))~~.
34 For purposes of this section, there is no impairment in the following
35 circumstances: (i) There is recovery and use of reclaimed water in
36 lieu of discharge of wastewater, which leads to return flows to the
37 water body in substantially the same quantity and location as a

1 wastewater discharge previously authorized by a national pollutant
2 discharge elimination system wastewater discharge permit or state
3 permit; (ii) there is discharge of reclaimed water or recovery and use
4 of reclaimed water in lieu of the discharge of wastewater into marine
5 water; and (iii) proposals to replace failing or inadequate septic
6 facilities with a reclaimed water facility or project that is part of
7 a new or expanded wastewater treatment and reclaimed water facility.
8 This presumption only applies if there is no claim of impairment by an
9 existing downstream water right after compliance with the requirements
10 in subsection (3) of this section.

11 (b) Nothing in this section may be construed as affecting or
12 diminishing the right to use reclaimed water or the exemption from
13 water right permit requirements provided to the owner of the wastewater
14 treatment facility in RCW 90.46.120. Further, nothing in this section
15 may be construed as affecting or diminishing the ability of the owner
16 of a wastewater treatment facility to modify its facilities or
17 discharges in order to comply with state or federal water quality
18 standards or permit requirements under chapter 90.48 RCW.

19 (2) Agricultural water use of agricultural industrial process water
20 and use of industrial reuse water under this chapter shall not impair
21 existing water rights within the water source that is the source of
22 supply for the agricultural processing plant or the industrial
23 processing and, if the water source is surface water, the existing
24 water rights are downstream from the agricultural processing plant's
25 discharge points existing on July 22, 2001, or from the industrial
26 processing's discharge points existing on June 13, 2002.

27 (3) For purposes of determining a claim of impairment under
28 subsection (1)(a) and (b) of this section, of a downstream water right
29 existing August 18, 1997, the applicant for a reclaimed water permit
30 shall publish notice of an application for a permit for a reclaimed
31 water facility in the same manner as provided for in RCW 90.48.170. If
32 the department receives a claim of impairment within thirty days of the
33 last publication of notice, the department shall investigate the claim
34 of impairment and issue a written decision. The decision shall include
35 any conditions the department finds necessary to mitigate any
36 impairment. The decision shall be issued within one hundred eighty
37 days and shall be appealable by any party pursuant to RCW 43.21B.310
38 upon the issuance of the decision or as part of the overall reclaimed

1 water permit upon the issuance of a reclaimed water permit. This
2 section shall not be construed as exempting a reclaimed water project
3 from the provisions of chapter 43.21C RCW.

4 (4) This section shall not be construed as establishing any right
5 for a downstream water right holder to the continued discharge from an
6 upstream wastewater treatment plant or reclaimed water facility.

7 **Sec. 5.** 2006 c 279 s 3 (uncodified) is amended to read as follows:

8 (1) In order to identify and pursue other measures to facilitate
9 achieving the objectives in RCW 90.46.005 for expanded, appropriate,
10 and safe use of reclaimed water, the department of ecology and the
11 department of health shall provide the legislature with relevant
12 information through periodic progress reports, as provided in this
13 section.

14 (2) The department of ecology (~~must present~~) shall provide
15 interim reports to the appropriate committees of the legislature by
16 January 1, 2008, and January 1, 2009, that summarize the steps taken to
17 that date towards the final rule making required by (~~section 1 of this~~
18 act)) RCW 90.46.015. The reports (~~must~~) shall include, at a minimum,
19 a summary of participation in the rule advisory (~~group and~~)
20 committee, the topics considered by the department, and issues
21 identified by the rule advisory committee as barriers to expanded use
22 of reclaimed water that may not be addressed within the rules to be
23 adopted by the department.

24 (3) In addition to subsection (2) of this section, the department
25 shall form a subtask force consisting of not more than ten members
26 chosen from the existing rule advisory committee to further identify
27 and recommend actions to increase the promotion of reclaimed water as
28 a water supply and water resource management option. At a minimum, the
29 subtask force shall consider (a) issues assigned by the rule advisory
30 committee; (b) staffing levels, resources, and roles within both state
31 agencies; (c) optimizing organizational structure; and (d) unresolved
32 legal issues specific to reclaimed water use. Information regarding
33 these topics shall be appended to the required interim reports as the
34 topics are considered by the advisory group.

35 **Sec. 6.** RCW 90.82.043 and 2003 1st sp.s. c 4 s 3 are each amended
36 to read as follows:

1 (1) Within one year of accepting funding under RCW 90.82.040(2)(e),
2 the planning unit must complete a detailed implementation plan.
3 Submittal of a detailed implementation plan to the department is a
4 condition of receiving grants for the second and all subsequent years
5 of the phase four grant.

6 (2) Each implementation plan must contain strategies to provide
7 sufficient water for: (a) Production agriculture; (b) commercial,
8 industrial, and residential use; and (c) instream flows. Each
9 implementation plan must contain timelines to achieve these strategies
10 and interim milestones to measure progress.

11 (3) The implementation plan must clearly define coordination and
12 oversight responsibilities; any needed interlocal agreements, rules, or
13 ordinances; any needed state or local administrative approvals and
14 permits that must be secured; and specific funding mechanisms.

15 (4) In developing the implementation plan, the planning unit must
16 consult with other entities planning in the watershed management area
17 and identify and seek to eliminate any activities or policies that are
18 duplicative or inconsistent.

19 (5)(a) By December 1, 2003, and by December 1st of each subsequent
20 year, the director of the department shall report to the appropriate
21 legislative standing committees regarding statutory changes necessary
22 to enable state agency approval or permit decision making needed to
23 implement a plan approved under this chapter.

24 (b) Beginning with the December 1, 2007, report, and then every two
25 years thereafter, the director shall include in each report the extent
26 to which reclaimed water has been identified in the watershed plans as
27 potential sources or strategies to meet future water needs, and
28 provisions in any watershed implementation plans that discuss barriers
29 to implementation of the water reuse elements of those plans. The
30 department's report shall include an estimate of the potential cost of
31 reclaimed water facilities and identification of potential sources of
32 funding for them.

33 NEW SECTION. Sec. 7. (1) By January 1, 2008, the department of
34 health shall file a brief report with the appropriate committees of the
35 legislature on the general status of:

36 (a) Development of permit fees for industrial and commercial uses
37 of reclaimed water as required by RCW 90.46.030;

1 (b) Development of standards and guidelines for greywater use as
2 required by RCW 90.46.140; and

3 (c) Permitting of greywater use by local health officers and
4 plumbing officials in accordance with standards and guidelines
5 developed pursuant to RCW 90.46.140.

6 (2) The report shall also identify:

7 (a) A general description of the number, type, and location of
8 reclaimed water opportunities included in water supply and coordinated
9 water system plans since 2003, as required by RCW 90.46.140;

10 (b) The best information currently available regarding potential
11 public health risks associated with reclaimed water, if any, any known
12 occurrences of any public health incidents associated with reclaimed
13 water use, the approaches to reclaimed water-related public health
14 issues taken in other states, and resource needs of the department to
15 evaluate any known public health risks; and

16 (c) A description of a basic public information and public
17 acceptance program necessary to generate public support for the
18 beneficial use of reclaimed water.

19 (3) In order to ensure brevity of the report, the department should
20 include references to existing documents, reports, internet sites, and
21 other sources of detailed information on the foregoing issues.

22 **Sec. 8.** RCW 90.54.020 and 1997 c 442 s 201 are each amended to
23 read as follows:

24 Utilization and management of the waters of the state shall be
25 guided by the following general declaration of fundamentals:

26 (1) Uses of water for domestic, stock watering, industrial,
27 commercial, agricultural, irrigation, hydroelectric power production,
28 mining, fish and wildlife maintenance and enhancement, recreational,
29 and thermal power production purposes, and preservation of
30 environmental and aesthetic values, and all other uses compatible with
31 the enjoyment of the public waters of the state, are declared to be
32 beneficial.

33 (2) Allocation of waters among potential uses and users shall be
34 based generally on the securing of the maximum net benefits for the
35 people of the state. Maximum net benefits shall constitute total
36 benefits less costs including opportunities lost.

1 (3) The quality of the natural environment shall be protected and,
2 where possible, enhanced as follows:

3 (a) Perennial rivers and streams of the state shall be retained
4 with base flows necessary to provide for preservation of wildlife,
5 fish, scenic, aesthetic and other environmental values, and
6 navigational values. Lakes and ponds shall be retained substantially
7 in their natural condition. Withdrawals of water which would conflict
8 therewith shall be authorized only in those situations where it is
9 clear that overriding considerations of the public interest will be
10 served.

11 (b) Waters of the state shall be of high quality. Regardless of
12 the quality of the waters of the state, all wastes and other materials
13 and substances proposed for entry into said waters shall be provided
14 with all known, available, and reasonable methods of treatment prior to
15 entry. Notwithstanding that standards of quality established for the
16 waters of the state would not be violated, wastes and other materials
17 and substances shall not be allowed to enter such waters which will
18 reduce the existing quality thereof, except in those situations where
19 it is clear that overriding considerations of the public interest will
20 be served. Technology-based effluent limitations or standards for
21 discharges for municipal water treatment plants located on the
22 Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted
23 to reflect credit for substances removed from the plant intake water
24 if:

25 (i) The municipality demonstrates that the intake water is drawn
26 from the same body of water into which the discharge is made; and

27 (ii) The municipality demonstrates that no violation of receiving
28 water quality standards or appreciable environmental degradation will
29 result.

30 (4) The development of multipurpose water storage facilities shall
31 be a high priority for programs of water allocation, planning,
32 management, and efficiency. The department, other state agencies,
33 local governments, and planning units formed under section 107 or 108
34 of this act shall evaluate the potential for the development of new
35 storage projects and the benefits and effects of storage in reducing
36 damage to stream banks and property, increasing the use of land,
37 providing water for municipal, industrial, agricultural, power

1 generation, and other beneficial uses, and improving stream flow
2 regimes for fisheries and other instream uses.

3 (5) Adequate and safe supplies of water shall be preserved and
4 protected in potable condition to satisfy human domestic needs.

5 (6) Multiple-purpose impoundment structures are to be preferred
6 over single-purpose structures. Due regard shall be given to means and
7 methods for protection of fishery resources in the planning for and
8 construction of water impoundment structures and other artificial
9 obstructions.

10 (7) Federal, state, and local governments, individuals,
11 corporations, groups and other entities shall be encouraged to carry
12 out practices of conservation as they relate to the use of the waters
13 of the state. In addition to traditional development approaches,
14 improved water use efficiency (~~and~~), conservation, and use of
15 reclaimed water shall be emphasized in the management of the state's
16 water resources and in some cases will be a potential new source of
17 water with which to meet future needs throughout the state. Use of
18 reclaimed water should be employed through state and local planning and
19 programs with incentives for state financial assistance recognizing
20 programs and plans that encourage the use of conservation and reclaimed
21 water use, and state agencies shall continue to review and reduce
22 regulatory barriers and streamline permitting for the use of reclaimed
23 water where appropriate.

24 (8) Development of water supply systems, whether publicly or
25 privately owned, which provide water to the public generally in
26 regional areas within the state shall be encouraged. Development of
27 water supply systems for multiple domestic use which will not serve the
28 public generally shall be discouraged where water supplies are
29 available from water systems serving the public.

30 (9) Full recognition shall be given in the administration of water
31 allocation and use programs to the natural interrelationships of
32 surface and ground waters.

33 (10) Expressions of the public interest will be sought at all
34 stages of water planning and allocation discussions.

35 (11) Water management programs, including but not limited to, water
36 quality, flood control, drainage, erosion control and storm runoff are
37 deemed to be in the public interest.

1 **Sec. 9.** RCW 90.54.180 and 1989 c 348 s 5 are each amended to read
2 as follows:

3 Consistent with the fundamentals of water resource policy set forth
4 in this chapter, state and local governments, individuals,
5 corporations, groups and other entities shall be encouraged to carry
6 out water use efficiency and conservation programs and practices
7 consistent with the following:

8 (1) Water efficiency and conservation programs should utilize an
9 appropriate mix of economic incentives, cost share programs, regulatory
10 programs, and technical and public information efforts. Programs which
11 encourage voluntary participation are preferred.

12 (2) Increased water use efficiency and reclaimed water should
13 receive consideration as a potential source of water in state and local
14 water resource planning processes. In determining the cost-
15 effectiveness of alternative water sources, consideration should be
16 given to the benefits of conservation, waste water recycling, and
17 impoundment of waters. Where reclaimed water is a feasible replacement
18 source of water, it shall be used by state agencies and state
19 facilities for nonpotable water uses in lieu of the use of potable
20 water. For purposes of this requirement, feasible replacement source
21 means (a) the reclaimed water is of adequate quality and quantity for
22 the proposed use; (b) the proposed use is approved by the departments
23 of ecology and health; (c) the reclaimed water can be reliably supplied
24 by a local public agency or public water system; and (d) the cost of
25 the reclaimed water is reasonable relative to the costs of conservation
26 or other potentially available supplies of potable water, after taking
27 into account all costs and benefits, including environmental costs and
28 benefits.

29 (3) In determining the cost-effectiveness of alternative water
30 sources, full consideration should be given to the benefits of storage
31 which can reduce the damage to stream banks and property, increase the
32 utilization of land, provide water for municipal, industrial,
33 agricultural, and other beneficial uses, provide for the generation of
34 electric power from renewable resources, and improve stream flow
35 regimes for fishery and other instream uses.

36 (4) Entities receiving state financial assistance for construction
37 of water source expansion or acquisition of new sources shall develop,

1 and implement if cost-effective, a water use efficiency and
2 conservation element of a water supply plan pursuant to RCW
3 43.20.230(1).

4 (5) State programs to improve water use efficiency should focus on
5 those areas of the state in which water is overappropriated; areas that
6 experience diminished streamflows or aquifer levels; regional areas
7 that the governor has identified as high priority for investments in
8 improved water quality and quantity, including the Spokane river, the
9 Columbia river basin, and the Puget Sound; areas most likely to be
10 affected by global warming; and areas where projected water needs,
11 including those for instream flows, exceed available supplies.

12 (6) Existing and future generations of citizens of the state of
13 Washington should be made aware of the importance of the state's water
14 resources and the need for wise and efficient use and development of
15 this vital resource. In order to increase this awareness, state
16 agencies should integrate public ((education)) information programs on
17 increasing water use efficiency into existing public information
18 efforts. This effort shall be coordinated with other levels of
19 government, including local governments and Indian tribes.

20 NEW SECTION. Sec. 10. A new section is added to chapter 58.17 RCW
21 to read as follows:

22 In determining whether a proposed short plat, short subdivision, or
23 subdivision meets the requirements for potable water supplies as
24 required under RCW 58.17.060 or 58.17.110, and otherwise serves the
25 public use and interest, the city, town, or county may require:

26 (1) Conformance to any water conservation ordinances or plans
27 adopted by the city, town, or county;

28 (2) Use of water conservation measures consistent with any regional
29 watershed plan adopted under chapter 90.82 RCW, or any regional water
30 supply plan as described in RCW 90.46.120 if the city or county
31 determines that the measures contained within such a regional supply
32 plan conform to its respective conservation ordinances and water,
33 sewer, and comprehensive land use plan; and

34 (3) Use of reclaimed water where potable water is not required, if
35 it is consistent with any applicable local ordinance adopted for water
36 reuse or use of reclaimed water.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.46 RCW
2 to read as follows:

3 (1) The department of ecology shall establish a subtask force from
4 the existing rule advisory committee by July 31, 2007, composed of no
5 more than ten members including a representative from the department of
6 ecology, who shall serve as chair, a representative from the department
7 of health, and representatives from city, county, and water-sewer
8 district utilities, and the environmental and business communities. By
9 January 1, 2008, the subtask force shall submit to the appropriate
10 legislative committees a recommendation for a long-term dedicated
11 funding program to construct reclaimed water facilities. To minimize
12 the administrative burden, the subtask force shall work toward a
13 coordinated effort with the current clean water state revolving fund
14 and centennial clean water fund integrated program under which
15 reclaimed water projects with a water quality benefit are currently
16 eligible and shall review the "2006 Inventory of State Infrastructure
17 Programs" produced by the joint legislative audit and review committee.
18 The subtask force shall also review current existing conservation and
19 water reuse plans or programs for cities, counties, and districts and
20 provide a report to the appropriate legislative committees regarding
21 the number, general nature, and extent that conservation and reclaimed
22 water use is identified or incorporated into such plans. The subtask
23 force also shall consider, and recommend, provisions on the inclusion
24 of reclaimed water use criteria or requirements as an element of water
25 use efficiency requirements required under RCW 70.119A.180 and for
26 water system, public water system, and/or regional water plans as
27 required under chapters 43.20 and 70.119 RCW.

28 (2) The recommendation shall provide a comprehensive funding, loan,
29 and grant program that includes the following:

30 (a) Eligibility requirements: Eligible components should include
31 the additional water reclamation components to treat wastewater
32 effluent to reclaimed water standards, distribution pump stations,
33 storage, trunk lines, and distribution lines, and multiple-purpose
34 projects in proportion to the costs allocated to reclaimed water;

35 (b) Competitive process for funding: The funding should be
36 competitive and establish a maximum percentage or maximum funding
37 amount available to any applicant;

1 (c) Priorities for funding that target reclaimed water projects
2 ready to proceed, local support for the project, projects in areas that
3 have adopted mandatory use ordinances or letters of intent to execute
4 user contracts, projects providing broader public benefits to
5 environmental water quality or water resource needs such as Puget Sound
6 restoration, Columbia river water management strategies, water quality
7 improvements, wetlands habitat, and instream flows, projects with
8 benefits that clearly extend to citizens other than the utility
9 ratepayers; and

10 (d) A proposed grant program for projects in identified high
11 priority areas.

12 NEW SECTION. **Sec. 12.** A new section is added to chapter 90.46 RCW
13 to read as follows:

14 (1) The legislature finds that the state should take a lead in
15 increasing the visibility of the use of reclaimed water.

16 (2) The department of general administration shall develop a
17 proposal to provide a comprehensive campus-wide plan for the use of
18 nonpotable water in lieu of the use of potable water for irrigation and
19 related outdoor uses, to serve as a demonstration project for the use
20 of reclaimed water. The department of general administration shall
21 work with the city of Olympia to provide a report to the legislature by
22 December 1, 2007, of the needed infrastructure, cost, and potential
23 funding sources for the project."

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By Senator

24 On page 1, line 1 of the title, after "water;" strike the remainder
25 of the title and insert "amending RCW 90.46.005, 90.46.120, 90.46.130,
26 90.82.043, 90.54.020, and 90.54.180; amending 2006 c 279 s 3
27 (uncodified); adding a new section to chapter 58.17 RCW; adding new
28 sections to chapter 90.46 RCW; and creating new sections."

--- END ---